



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1998

Ms. Shelly Hammond
Paralegal
Internal Affairs
Travis County Sheriff's Office
P.O. Box 1748
Austin, Texas 78767

OR98-0915

Dear Ms. Hammond:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114228.

The Travis County Sheriff's Office (the "sheriff's office") received a request for documents pertaining to claim number 97048977. However, you seek to withhold the responsive records pursuant to sections 552.101, 552.108, and 552.130 of the Government Code.¹ We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a) of the Government Code reads as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

¹In subsequent correspondence to this office you withdrew any assertions of a section 552.130 exception to disclosure.

(3) it is information that:

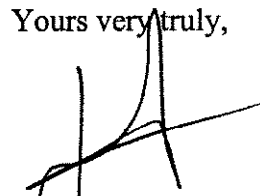
(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

We agree that the department has shown that the applicability of section 552.108(a) of the Government Code to the information at issue, since it involves a pending case. However, if you have not already done so, you must release the type of information that is considered to be front page offense report information. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We note that the department has discretion to release all or part of the information at issue that is not otherwise made confidential by law. Gov't Code § 552.007.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 114228

Enclosures: Marked documents

²As we address the issues presented under section 552.108, we need not address the remaining exceptions raised.

cc: Ms. Rene Bell
Old American
P.O. Box 802325
Dallas, Texas 75380-2325
(w/o enclosures)